

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

PATRICIA ANN BURKS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:05CV250-P-B

**JO ANNE B. BARNHART,
COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,**

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon the U.S. Magistrate Judge's Report and Recommendation [19-1] in which the court recommends that the undersigned affirm the Commissioner of the Social Security Administration's decision to deny the plaintiff's applications for disability benefits under Title II and Supplemental Security Income under Title XVI. Having reviewed the Report and Recommendation, as well as the basis therefor, the court finds as follows, to-wit:

Mindful of the standards for review of the Commissioner's decision correctly set forth in the Report and Recommendation, particularly the rule that this court may not reweigh the evidence, try the issues *de novo*, or substitute its judgment for the Commissioner's, *Selders v. Sullivan*, 914 F.2d 614, 617 (5th Cir. 1990), the undersigned concludes that the decisions in question were based on substantial evidence. When substantial evidence supports the Commissioner's findings of fact, said findings are conclusive. *Ripley v. Chater*, 67 F.3d 552, 555 (5th Cir. 1995).

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The U.S. Magistrate Judge's Report and Recommendation [19-1] is hereby adopted and incorporated as the court's opinion; therefore,

(2) The Commissioner's decision to deny the subject benefits to the plaintiff is **AFFIRMED**;
therefore,

(3) This case is **CLOSED**.

SO ORDERED this the 27th day of March, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE